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EXAMINER

DUNCAN, MARC M

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| ART UNIT | PAPER NUMBER |
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2113

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,632

Applicant(s)

KOSUGI ET AL.

Examiner

Marc M Duncan

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 4-9 and 19-22 is/are allowed.
6) ☒ Claim(s) 1-3 and 10-18 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

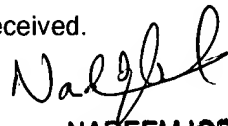
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 22 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



**NADEEM IQBAL
PRIMARY EXAMINER**

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

FINAL REJECTION

Status of the Claims

Claims 10-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

Claims 1 and 18 are rejected under 35 U.S.C. 102(e).

Claims 2, 3, 10 and 11 are rejected under 35 U.S.C. 103(a).

Claims 4-9 and 19-22 are allowed.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 10 states that the power of the system is controlled by a board interface that is connected to an integrated management panel board. This claim language is not supported by the specification. The specification clearly states that the power is controlled by a unit present on the integrated management panel board.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Klein et al.

Regarding claim 1:

Klein teaches a start processing unit which conducts a start processing, and then starts an application when power of an apparatus system is turned on in Fig. 1 “110” – BOOT ROM.

Klein teaches a trouble monitoring unit which controls the power of the apparatus system, and integrally monitors a trouble of said start processing unit and a trouble during system operation in Fig. 1 and col. 3 line 47-col. 4 line 32. The trouble monitoring unit is represented by the numerous monitors and interfaces pictured in Figure 1 and described in the cited columns and lines.

Klein teaches a trouble notification unit that acquires log information stored in said start processing unit, and notifies an external remote maintenance system of the log information through a network interface if said trouble monitoring unit detects a trouble of said start processing unit occurring during a period from a turn-on of a system power supply, through activation, to a start-up of the application in Fig. 4 and col. 7 line

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38-col. 8 line 47. The trouble notification unit is represented by network subsystem 400, pictured in Figure 4 and described in the cited columns and lines. The network subsystem performs the functions of outputting log information through a network interface to a remote maintenance system when the management processor receives a report of a crash through the management bus. The timing of the occurrence of the trouble, i.e. from power-on through start-up of the application, is inherent to the function of this system. Klein discloses monitoring for errors while the system is on, which necessarily includes the period from power-on to start-up of the application. Furthermore, the start processing unit of Klein, i.e. the BOOT ROM, is in use from power-on through application start-up, and hence is necessarily monitored during the aforementioned time period.

Regarding claim 18:

Klein teaches a start processing operation of conducting a start processing, and then starting an application when power of a computer system is turned on in col. 7 lines 13-15.

Klein teaches a trouble monitoring operation of controlling the power of the computer system, and integrally monitoring a trouble of said start processing unit in col. 4 lines 41-42 and col. 7 lines 5-7.

Klein teaches a trouble notification operation of acquiring log information, and notifying an external remote maintenance system of the log information through a network interface if the trouble of said start processing unit is detected in said trouble monitoring operation occurring during a period from a turn-on of a system power supply,

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through activation, to a start-up of the application in col. 4 lines 14-20 and col. 7 line 38-col. 8 line 47. The trouble notification unit is represented by network subsystem 400, pictured in Figure 4 and described in the cited columns and lines. The network subsystem performs the functions of outputting log information through a network interface to a remote maintenance system when the management processor receives a report of a crash through the management bus. The timing of the occurrence of the trouble, i.e. from power-on through start-up of the application, is inherent to the function of this system. Klein discloses monitoring for errors while the system is on, which necessarily includes the period from power-on to start-up of the application. Furthermore, the start processing unit of Klein, i.e. the BOOT ROM, is in use from power-on through application start-up, and hence is necessarily monitored during the aforementioned time period.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

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4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2, 3, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein et al. in view of applicant's admitted prior art (AAPA).

Regarding claim 2:

The teachings of Klein are outlined above. Klein further teaches wherein said start processing unit is provided on a baseboard in Fig. 1. Klein also teaches said trouble notification unit is provided on a system management support board in Fig. 4. Klein teaches the system management support board comprising a dedicated power unit constantly supplied with power in Fig. 4. Klein further teaches the network interface connecting said remote maintenance system in Fig. 4.

Klein does not explicitly teach said trouble monitoring unit is provided on an integrated management panel board. Klein does, however, teach a trouble monitoring unit, represented by a multitude of interfaces and sensors that monitor errors occurring in the computer system.

AAPA teaches said trouble monitoring unit is provided on an integrated management panel board on page 1 line 20-page 2 line 1.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the integrated management panel board of AAPA with the trouble monitoring unit of Klein.

One of ordinary skill in the art at the time of invention would have been motivated to combine the teachings because it is disclosed by applicant that it was conventional in the art at the time of invention to provide the function of the trouble monitoring unit of

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Klein on an integrated management panel board because without said IMP board, system management is insufficient and non-standardized.

Regarding claim 3:

Klein teaches wherein said system management support board is an interface board connected to an interface provided on the baseboard of the apparatus system in Fig. 1, Fig. 4 and col. 2 lines 41-42.

Regarding claim 10:

The teachings of Klein are outlined above.

Klein does not explicitly teach an integrated management panel board for monitoring a trouble of the apparatus system. Klein does, however, teach a trouble monitoring unit for monitoring any trouble of the apparatus system.

AAPA teaches an integrated management panel board on page 1 line 20-page 2 line 1.

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the integrated management panel board of AAPA with the trouble monitoring unit of Klein.

One of ordinary skill in the art at the time of invention would have been motivated to combine the teachings because it is disclosed by applicant that it was conventional in the art at the time of invention to provide the function of the trouble monitoring unit of Klein on an integrated management panel board because without said IMP board, system management is insufficient and non-standardized.

Regarding claim 11:

Klein teaches wherein said power supply unit, said board interface, said network interface and said trouble notification unit are provided on an interface board connected to an interface provided on a baseboard of the apparatus system in Fig. 4.

Response to Arguments

Applicant's arguments filed 10/22/04 have been fully considered but they are not persuasive.

In response to applicant's arguments concerning the 35 USC 112 rejection the examiner respectfully disagrees. The claims language still requires the board interface to control the power of the system, as opposed to the integrated management panel board as outlined in the specification.

In response to applicant's arguments that Klein does not teach monitoring the a trouble occurring from system power-on through the start-up of an application, the examiner respectfully disagrees. Klein monitors for trouble occurring at all times, which necessarily includes the time period specified in the claims. Further, Klein monitors a BOOT ROM for trouble. The BOOT ROM is only functioning during the specified time period and therefore is necessarily monitored during that time period.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the trouble notification unit being connected to a dedicated power supply) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc M Duncan whose telephone number is 571-272-3646. The examiner can normally be reached on M-T and TH-F 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

md



NADEEM IQBAL
PRIMARY EXAMINER